

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

United States of America

Case No. 1:02 cr 100

Plaintiff,

Judge Walter Herbert Rice

-vs.-

John Duncan
AKA John Mangotti
Defendant.

**MOTION FOR LEAVE TO
WITHDRAW AS COUNSEL
FOR DEFENDANT**

Attorney Anthony S. VanNoy hereby moves the Court for an Order permitting him to withdraw as counsel for the Defendant, John Duncan, AKA: John Mangotti in the above referenced case. Counsel was appointed pursuant to this Court's Order of September 17, 2007 to represent the Defendant pursuant to 18 U.S.C. § 3006(A). Defendant and counsel have vast philosophical differences with regard to the direction this case could take. Further the Defendant has requested the undersigned remove himself from the case.

FDRE IV dictates that the Code of Professional Responsibility adopted by this Court is the Code of Professional Responsibility adopted by the highest court of the state in which this Court sits, the Ohio Supreme Court. The Ohio Rules of Professional conduct took effect on February 1, 2007. John Duncan is entitled to effect assistance of counsel, and zealous representation under Canons 6 and 7 of the Code of Professional Responsibility. Further, the attorney is required to exercise independent professional judgment on behalf of the client under Canon 5. The differences that have developed between the undersigned and the Defendant have rendered it impossible for Counsel to zealously represent the Defendant and to render independent professional judgments with regard to the instant matter.

Wherefore, Defendant's counsel respectfully requests that he be permitted to withdraw from the above captioned case.

Respectfully submitted,

/s/ Anthony S. VanNoy
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Certificate of Service

I hereby certify that a copy of the foregoing Motion to Withdraw As Counsel was delivered to the United States Attorney's Office and all counsel of record via electronic filing through the CM/ECF system on the same date as filed.

/s/ Anthony S. VanNoy
Anthony S. VanNoy